

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC**

In the matter of:	)	
	)	
Amendment of Section 73.3580 of the	)	MB Docket No. 17-264
Commission's Rules Regarding Public	)	
Notice of the Filing of Applications	)	
	)	
Modernization of Media Regulation	)	MB Docket No. 17-105
Initiative	)	
	)	MB Docket No. 05-6
Revision of the Public Notice Requirements	)	
of Section 73.3580	)	

**COMMENTS OF REC NETWORKS**

**SUMMARY**

These comments are being filed in response to the *Further Notice of Proposed Rulemaking* (FNPRM) in the above captioned proceeding. REC does support the elimination of the dependence on the once dominant newspaper in order to publish notices that are a byproduct of the payola and quiz show scandals of the late 1950s. With the elimination of the print newspaper, where ads are viewed when someone happens to flip on to that page in the Classified section and replacing it with online methods, the Commission is also changing the culture and assuming that readers are proactively seeking to read these notices. Because of the nature of the modern newspaper industry, smaller "home town" papers have either dissolved or they have been concentrated into much larger newspapers with much higher circulations that command much higher rates which in turn imposes a huge cost burden on hyperlocal LPFM stations and smaller NCE stations that only cover a small portion of the print newspaper's circulation area.

While the Commission offers a reasonable solution through the use of online public notices in lieu of the printed newspaper, the options that are offered for new-entrant LPFM and NCE applicants are non-viable due to costs, constitutional issues, administrative issues and in some cases, hostility towards certain sector users of the broadcast spectrum. REC offers an additional option that reflects the Commission's change from reactive to proactive viewing of public notices and a method that does not raise issues of exorbitated costs, legality or hostility.

Overall, the statute is an archaic relic from the Cold War and has been made obsolete by existing resources now available today including the Commission's own website. We can't repeal the statute in this

rulemaking as that would require an act of Congress; but we can and should make the implementation of that statute as minimal as possible. With two filing windows (NCE-FM and LPFM) on the horizon, we can't have regulations in place that will stifle diversity in ownership and prevent new entrants from being able to apply.

## TABLE OF CONTENTS

Heading	Paragraph #
I. INTRODUCTION.....	1
II. LPFM AND PUBLIC NOTICES.....	2
A. Public notices were never “implemented” for LPFM stations.....	2
B. The “LPFM Revelation of 2019”.....	3
C. Properly implementing Public Notice in LPFM.....	5
III. THE MECHANICS OF ONLINE PUBLIC NOTICES.....	6
A. The complexities of LMS vs. CDBS.....	6
B. The Commission’s expectation of a “publicly accessible website” is not viable....	8
C. REC supports the use of websites that are dedicated to broadcast public notices...	11
IV. SUBSTANCE OF ONLINE PUBLIC NOTICES.....	16
V. OVER THE AIR ANNOUNCEMENTS.....	18
A. Full-service stations.....	19
B. LPFM stations.....	20
VI. OTHER ISSUES.....	21
VII. CONCLUSION.....	28
APPENDIX A	REC COUNTERPROPOSED RULE CHANGES
APPENDIX B	REC CONSTITUENT SURVEY

### I. INTRODUCTION

1. REC Networks (“REC”) is a leading advocate for a citizen’s access to spectrum with a heavy focus on Low Power FM (LPFM) broadcast stations as well as full-service noncommercial educational (NCE) broadcast stations. The following comments are in response to the *Further Notice of Proposed Rulemaking* (FNPRM) in the above captioned proceeding.<sup>1</sup>

### II. LPFM AND PUBLIC NOTICES

#### A. Public Notices were never “implemented” for LPFM stations

2. When the Commission first created LPFM, it concluded that putting certain administrative restrictions on LPFM stations such as ownership reports and public file requirements would place an undue

---

<sup>1</sup> In preparation for this proceeding, REC has also conducted a *Constituent Survey* (“Survey”). The Survey was publicized on social media channels both inside and outside of REC in order to reach LPFM station stakeholders. This non-scientific survey was opened for 7 days and consisted of 7 multiple choice questions. The questions and aggregated responses are shown in Appendix B.

burden on such small noncommercial educational broadcast stations.<sup>2</sup> As such, the Commission codified a cross reference of rules outside of Subpart G which also applied to LPFM stations.<sup>3</sup> Missing from this cross-reference list were rules related to public inspection file, ownership reporting, silent station reporting as well as public notices.

## **B. The “LPFM Revelation of 2019”**

3. In 2019, as the renewal cycle for radio broadcast applications was getting ready to begin, Audio Division (Division) staff, as well as REC, began to receive inquiries from LPFM broadcasters to whether their stations would be required to carry the over-the-air public notice “pre-file” and “post-file” announcements as required for full-service stations in accordance with §73.3580(d). Due to the absence of a cross-reference in §73.801 to §73.3580, REC and many others had interpreted that over-the-air public notice requirements did not apply to LPFM stations however we did suggest LPFM stations to *voluntary* follow the over the air requirements outlined in §73.3580(d). REC would eventually be made aware that in inquiry by an LPFM stakeholder to Division staff was given the advice that that LPFM stations are *not* required and even had the FCC website updated to reflect that LPFM stations were not required to make the announcements.

4. On May 17, 2019, REC, along with other major LPFM stakeholders received an informal letter from Albert Shuldiner, Division Chief, Audio Division (Shuldiner) to clarify that the information from staff was incorrect and that because of Section 311(a)(1) of the Communications Act (Act), LPFM stations were required to provide public notice.<sup>4</sup> When REC inquired about other aspects of §73.3580, Shuldiner advised that this interpretation would apply to all LPFM applications.<sup>5</sup> Several minutes after the 10:58 Letter, REC sent alerts to LPFM constituents through several channels including social media, mailing lists and through an article at the REC website.<sup>6</sup> Following these informal notifications to stakeholders, Division staff did revise the FCC website content however, did not release any kind of a

---

<sup>2</sup> See *Creation of a Low Power Radio Service*, Report and Order, 15 FCC Rcd. 2205 (2000) at ¶ 185.

<sup>3</sup> 47 C.F.R. § 73.801.

<sup>4</sup> See email from Albert Shuldiner to Michelle Bradley, May 17, 2019, 10:26AM Eastern Daylight Time (EDT); see also 47 USC §311(a)(1).

<sup>5</sup> See email from Albert Shuldiner to Michelle Bradley, May 17, 2019, 10:58AM EDT. (“10:58 Letter”) (*“Unfortunately, this interpretation would apply to all LPFM applications – not just renewals. I recognize that we haven’t applied the rule that way in the past but now that we are aware of the statutory obligation, we will be applying the rule in the future.”*)

<sup>6</sup> <https://recnet.com/node/2779>

public notice, which was suggested by REC.<sup>7</sup> REC is deeply concerned that at this time, LPFM stations, including new-entrants are currently depending on informal advice.<sup>8</sup> While the methods proposed in this *FNPRM* would make the ability for LPFM stations and LPFM new entrants to comply with §311(a), even the proposed rules still do not include a needed cross-reference in §73.801 to §73.3580. REC proposes such a change be made to further clarify that LPFM stations would be required to comply with the public notice rule including a cross reference from §73.801 which was not included in the *FNPRM*.<sup>9</sup>

### **C. Properly implementing Public Notice in LPFM**

5. The *FNPRM* proposes to eliminate the requirement to publish written public notice in newspapers, replacing newspaper publication with a written public notice citing that newspaper public notices are a cost burden to the applicant, appears infrequently and best provides the reader with an abridged version of the application.<sup>10</sup> REC agrees that for all radio services, the requirement of newspaper advertising is a burden to applicants. This burden would be most pronounced for LPFM and small NCE stations, especially new entrants. This burden is further amplified because of consolidation in the newspaper industry, many publications that were once very local in scope have now merged into entities that are more regional in scope. This means that for a hyperlocal LPFM applicant that only reaches a small part of a newspaper's circulation area, a legal notice would have to be carried regionwide. This captive pricing for an advertisement that is only relevant to a small part of a newspaper's circulation area would be a barrier to entry for many new prospective LPFM and some smaller NCE applicants.

## **III. THE MECHANICS OF ONLINE PUBLIC NOTICES**

### **A. The complexities of LMS vs. CDBS**

6. The *FNPRM* proposes to replace newspaper public notices with an online method and that an online notice should link to the Online Public Inspection File (OPIF) and in the alternate for applicants

---

<sup>7</sup> See email from Michelle Bradley to Albert Shuldiner, May 17, 2019, 11:47AM EDT (*"Is there going to be a PN on this interpretation of §311(a)(1) and the new guidance to LPFM stations? Prometheus and Common Frequency only reach a segment of LPFM. I reach a bigger segment. But there are a lot of other users (the satellite-fed LPFM stations, the public safety sector, tribal, etc.) that none of us directly touch. But these groups may be represented by attorneys that could be touched through the Daily Digest."*); See also email from Albert Shuldiner to Michelle Bradley, May 17, 2019, 11:48AM EDT (in response, *"Thanks for that input. We are considering that as well."*)

<sup>8</sup> See also MB Docket 17-264, Comments of REC Networks (May 20, 2019); See also Id., REC Networks Motion for Leave to File Late Comments (May 20, 2019).

<sup>9</sup> *FNPRM* at ¶ 36.

<sup>10</sup> *FNPRM* at ¶ 5.

that are proposing new stations or in services that have no OPIF requirements (such as LPFM), to link to an LMS application.<sup>11</sup> REC does support the overall concept of an online method of delivering public notices to the general public. We do note though that for non-OPIF applicants, this can be burdensome as the links to applications in LMS are centric to a 32-character hexadecimal application identifier. Any time that the application is amended, a new hexadecimal identifier is generated and a member of the general public would need to visit that application in order to view the most current information.<sup>12</sup> This would mean that links on public notice websites would have to be updated every time when an application is amended.<sup>13</sup>

7. If we were still using CDBS, this could be easily handled by linking to the CDBS Public Access website using a HTTP GET transaction based on the application reference number (ARN).<sup>14</sup> This method in CDBS is simple for the web developer to add and is simple for the member of the general public to locate the application. The Public Access system for LMS does not support HTTP GET transactions. Instead it uses HTTP POST transactions.<sup>15</sup> POST transactions, unlike GET, does not embed the information within the user enterable or hyperlinked URL. In most other systems, we can overcome this by using an HTML FORM and embedding the POST data in a button and clicking on the button would issue the appropriate POST query. However, due to the nature of the LMS JavaServer Faces<sup>16</sup> design, LMS requires that you have to first access a landing page, which then places a “cookie” on the user’s browser and

---

<sup>11</sup> Id. at ¶ 6.

<sup>12</sup> REC operates various websites including **fccdata.org** and **fcc.today** which make extensive use of public raw data from the LMS, CDBS, ULS and IBFS databases. REC has done extensive development in this data and continues to develop as more broadcast services are transitioning from CDBS to LMS. In these comments, we seek recognition as a third-party expert on the intricacies of the FCC application filing systems. For example, here’s a link directly to an LMS application:

<https://enterpriseefiling.fcc.gov/dataentry/views/public/fmDraftCopy?displayType=html&appKey=25076f916d6a26d8016d72b641030ad3&id=25076f916d6a26d8016d72b641030ad3&goBack=N>

Notice that this requires the hexadecimal application ID twice and only applies to FM. TV has a different, but similar method.

<sup>13</sup> See also Appendix B, Survey Question 3. Of the LPFM stations with websites responding to the *Survey*, over two-thirds are using content management software which makes the process of adding or changing a link on the home page easier and in many cases, without the need to know HTML; See also Survey Question 4, indicating that a majority of LPFM stations are comfortable making changes on their websites.

<sup>14</sup> As an example, in the CDBS Public Access system, to display the most current pending application, and that ARN was BLL-20181225ABC, the public notice could link to [licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/pubacc/prod/app\\_list.pl?Arn=20181225ABC&Superseded=X](https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/pubacc/prod/app_list.pl?Arn=20181225ABC&Superseded=X)

<sup>15</sup> See RFC 2616 at ¶ 9.3 (for GET) and ¶ 9.5 (for POST). Available at <https://www.w3.org/Protocols/rfc2616/rfc2616-sec9.html>

<sup>16</sup> [http://en.wikipedia.org/wiki/JavaServer\\_Faces](http://en.wikipedia.org/wiki/JavaServer_Faces)

establishes a session ID. That session ID follows the user through the transaction. In other words, there would need to be significant software development made to LMS before it can be used for direct linking to broadcast applications. REC recommends that LMS has a HTTP GET transaction that would take the file number<sup>17</sup> and then convert that into the most current application or a list of applications if there are amendments. We note that since REC retrieves both the daily LMS live database extract as well as obtains real-time data throughout the business day, we already provide dynamic links to LMS applications based on the hexadecimal application IDs.

**B. The Commission's expectation of a "publicly accessible website" is not viable**

8. For many stations, the website where online public notices will appear are the websites for the applicant stations. As the Commission recognizes, some licensees such as FM translator, TV translator and LPTV stations that do not originate programming will not have their own website.<sup>18</sup> We also note that many LPFM stations, especially those that are running programming from satellite religious networks will likely not have their own website. Based on information provided by third party aggregator *LPFMdatabase.com*, it is believed that approximately 26 percent of all LPFM stations do not have a website or social media presence for either the LPFM station or for the licensing organization.<sup>19</sup> For these licensees, as well as new entrants, the Commission is proposing that public notices be posted on a "locally targeted, publicly accessible website".<sup>20</sup>

9. The Commission defines a "publicly accessible website" as one that members of the general public can access without payment, registration or any other requirement that a user provides

---

<sup>17</sup> For example, if the LMS file number for the application is 0000098765, then a GET query could look something like: <https://enterprise.filing.fcc.gov/dataentry/views/public/viewFileNum?fileNum=0000098765>

<sup>18</sup> *FNPRM* at ¶ 18.

<sup>19</sup> See <http://lpfmdatabase.weebly.com/>; This is in part due to the large number of "set and forget" LPFM stations that have been placed in communities with the support of satellite networks such as Eternal Word Television Network, 3 Angels Broadcast Network (Seventh Day Adventist Church), Radio 74 and New Tang Dynasty Television Network, among others. Of those LPFM stations that responded to the *Survey*, an overwhelming majority of those LPFM stations have a website; see Appendix B, Question 1. Of the *LPFMdatabase.com* result, we currently do not have prepared data that distinguishes between the use of a conventional website and a social media site, such as Facebook as the station's primary website. In the *Survey*, we have determined that approximately 10 percent of LPFM stations use a social media site, such as Facebook, instead of a conventional website. We note though that social media sites, such as Facebook and Twitter work on a "timeline" basis and in our experience, Facebook has not displayed posts on a chronological basis. Facebook does permit the administrator of a page to "pin" certain posts so they will always appear when the page is directly accessed. Regardless of this, a conventional website is the most effective way for stations to present links to their filings.

<sup>20</sup> *FNPRM* at ¶ 19.

information or answers a survey and that it is locally targeted to the area to be served by the applicant station.<sup>21</sup> The Commission provides examples of such sites as local government websites, local community “bulletin board” websites, local newspaper website and state broadcasters association website.<sup>22</sup> REC disagrees with the Commission’s definition of such sites as each reflects a burden, especially to LPFM and NCE new entrants as shown:

Local government websites – By suggesting local government websites, this puts a local government in a position to “endorse” the establishment of a station. They are also in a position to deny the posting of a public notice in a way to deny the station the ability to operate in their community. We also note that the provision of public notices on a municipal website may require first, an ordinance or law to be passed to permit the municipal resources to be used in that manner. REC sees significant constitutional issues where it comes to local government websites being used for displaying LPFM and other broadcast public notices, especially where the applicant is a faith-based (and especially non-Christian faith-based) organization. For these reasons, the suggestion of a local government website is inappropriate.

Local “community bulletin board” website – Such sites could be operated by a local Chamber of Commerce who may restrict listings to their paid membership or operated by local radio and television media companies that would not be receptive to listing “competing” applicants. When REC surveyed LPFM station stakeholders, we asked the direct question, “[d]oes your community have what the FCC calls a ‘local community bulletin board’ website [and] [i]f so, who runs it?”<sup>23</sup> Of the responses received, an overwhelming majority of respondents (over 70%) answer that their community does not have a website that would fall under what the Commission would consider a “local community bulletin board” website. Of the 30 percent that answered in the positive, the survey shows that a majority of the “community bulletin board” websites are actually operated by local governments and the newspaper media, which are other categories that the Commission is considering as a venue for online public notices.<sup>24</sup>

---

<sup>21</sup> See Id.

<sup>22</sup> See Id.

<sup>23</sup> See Appendix B, Question 7.

<sup>24</sup> See Id.

Local newspaper website – These sites are operated by the same companies that produce the medium for which we are proposing to eliminate from publication requirements. Because these sites are regional in focus (i.e. the circulation area of the newspaper) and go even beyond that with the claim of a “world wide” audience, we can expect the newspaper industry to charge rates similar to those that they had historically charged for print advertising. If the newspaper industry wishes to remain the broadcast public notice business, REC would have no objections as long as broadcasters and applicants have other methods available for delivering public notices.

State broadcasters’ association (SBA) – While this may be an option for the operators of some translators and LPTV stations, this is not necessarily an option for new entrants, especially LPFM stations. Approximately 11 percent of LPFM stations answering the *Survey* have noted that they are members of an SBA.<sup>25</sup> Because of the utility nature of LPFM, we believe that the overall SBA membership by LPFM stations is much lower. As the *Survey* suggested, the additional expense of membership dues is the primary deterrent from membership. For the past 19 years since the creation of the LPFM service, some SBAs, such as New Jersey have expressed hostility towards the LPFM service and LPFM stations have been denied membership into these associations.<sup>26</sup> For LPFM stations, this is not a viable option. We also note that an SBA may not necessarily list a public notice from an adjacent state which would be of no benefit to a resident living near a state border.

10. One of the important things to remember is that in all of the examples above, probably with the exception of SBAs, it is very likely that these public notices will not be visible or even linked from the main landing page for these websites nor, without crossing into constitutional and jurisdictional grey areas could the Commission compel a third-party website to provide such a link.<sup>27</sup> With the inclusion of SBAs, this would assume that the Commission is anticipating that members of the general public are *actually seeking out* public notices for broadcast stations as opposed to paging through a traditional newspaper and coming across the broadcasters’ advertisements in the legal notices.

---

<sup>25</sup> See Appendix B, Question 6.

<sup>26</sup> See Id.

<sup>27</sup> *The Public and Broadcasting*, Page 7. (“In general, we also do not regulate information provided over the internet..”)



**C. REC supports the use of websites that are dedicated to broadcast public notices**

11. In answer to the Commission's query on other alternative non-applicant affiliated websites<sup>28</sup>, considering how the statute requires that notice be given in the "principal area which is or will be served", the worldwide reach of websites and the recognition by the Commission that members of the general public that would be viewing these public notices are doing so with the original intention of looking for broadcast public notices, REC feels that the actual website does not have to be specifically local in scope (or statewide in the case of SBAs). The more appropriate method would be through the use of websites, for which the sole purpose of operating the website is for the distribution of broadcast public notices.

12. A typical experience for a member of the general public is that when they reach the website, they will need to be asked for what state and perhaps city that they are located in. Another method would be to use location service functionality where the web browser pops up a message stating that the website wants to know the user's location. If the user authorizes this, then the website receives the geographic coordinates which can be queried against a database to determine if there are any public notices within a given distance. If there are public notices available, the system will display them in the formats proposed by the Commission including links to the LMS, CDBS or IBFS applications. In addition, if the public notice website is integrated with LMS, CDBS and/or IBFS raw data, the system can update application IDs when applications are amended to assure that the most current application is displayed.

13. For the broadcast applicant, the system could charge a flat fee for the life of the application and the public notice would remain posted the whole time or for the minimum 30 days. Websites with integrated LMS, CDBS and/or IBFS data could make the application process simplified for broadcast applicants by pre-filling the information for the notice and could automatically update the public notice data in the event of an amendment.

14. REC has already obtained the domain names *RadioPublicNotice.com*, *TVPublicNotice.com* and *BroadcastPublicNotice.com* for the purpose of posting required public notices. REC will commit at this time to charging new entrants for the next LPFM filing window no more than \$50 for a 30-day listing. Separate rates would be put in place based on type of service and whether it is for commercial or educational service but could range in the area of \$100 to \$250 per application for the duration of the minimum 30-day public notice. These rates should be a fraction of what some "big city" newspapers are charging for print legal announcements.<sup>29</sup> There should be no one designated site for

---

<sup>28</sup> See Appendix B, Question 7.

<sup>29</sup> See also *FNPRM* at 21.

broadcast public notices thus allowing for other providers to offer such notice services.<sup>30</sup> The site can be adapted to work with all broadcast services subject to Section 311(a)(1) including translators, international broadcast stations and Section 325(c) applicants.

15. Section 311(a)(1) of the Act states “Where there is filed with the Commission any application which section 309(b)(1) of this title applies, an instrument of authorization for a station in the broadcasting service, the applicant shall give public notice of such filing in the principal area which is served or is to be served by the station.”<sup>31</sup> It is REC’s position that since web sites are global in nature, they can be viewed in the local area of where the station or proposed station is located. The ability for the member of the general public to obtain public notices of the area where they are physically located through entry of additional information or through consent to deliver the user’s location to the website further supports the “principal area” requirement. With that said, REC concludes that the Act would permit a national website to be used for delivering public notices to the “principal area”. In order for a national website to properly function to deliver localized public notice information as required by the Act, the user must provide some basic location information either through entry or through consenting to a browser sending location data. We are concerned that the phrase “without payment, registration, or any other requirement that the user provide information” in paragraph 19 of the *FNPRM* would conflict with that goal as the user would have to provide one critical piece of information, their approximate location. Any rule written must make an exception for websites requesting information to identify a user’s location in order to provide localized content in a manner consistent with the Act.<sup>32</sup>

#### IV. SUBSTANCE OF ONLINE PUBLIC NOTICES

16. REC agrees with the proposed texts of the written public notice messages.<sup>33</sup> If a link is provided to the application, there is no need to require a link to any other Commission public notice. Controlling shareholder information is not necessary for the public notice text as that information can be

---

<sup>30</sup> In accordance with the Act, requests to carry public notices must be initiated by the applicant. The language of the Act would suggest that websites that automatically generate notices without advance request by the applicant would not meet the statutory requirement. *See* 47 USC §311(a)(1) (“When there is filed with the Commission any application to which section 309(b)(1) of this title applies, for an instrument of authorization for a station in the broadcasting service, the applicant shall give notice of such filing...” ) (*emphasis added*)

<sup>31</sup> 47 USC § 311(a)(1).

<sup>32</sup> *FNPRM* at 19.

<sup>33</sup> *FNPRM* at 20.

found either in the application or for existing stations, in the ownership reports and applications that would be available through OPIF. It is REC's position that while it may be appropriate to disclose waiver requests of an administrative nature (such as media ownership limits), it is not necessary to disclose waiver requests that are of a technical nature (such as waivers of spacing or overlap of second and third-adjacent channels by LPFM, NCE-FM and FM translator applicants).<sup>34</sup>

17. For existing NCE stations, including LPFM (which is currently not covered under the rule), we feel that a consistent policy should be put in place regardless of the number of broadcast stations in a particular community of license.<sup>35</sup> Because of the reasons we mention *infra*, NCE stations should be required to make both over the air announcements and post their public notice(s) online. REC also agrees that silent stations should do online announcements either at the silent station's website or through a third-party public notice website.<sup>36</sup>

## V. OVER THE AIR ANNOUNCEMENTS

18. While REC agrees with a reduced schedule of announcements in comparison to existing rules for renewal pre-file and post-file advisories, we disagree with the content of the over the air messages.<sup>37</sup> The requirement for an over the air announcement to give detailed instructions to go to the OPIF and then type in a search, or even worse, for LPFM stations, to go to a complex to read URL and enter a call sign into LMS is burdensome and will achieve fewer results. It is also important to remember that depending on how a station images and promotes themselves, they may only broadcast the call letters once per hour and sometimes, that is very fast in order to stay legal and not distract from the presentation. Its important to also keep in mind, these proposed scripts expect a listener to have to *remember* a URL and in some cases, the station's legal call sign. When these messages play, listeners are not sitting at a table with a pen and paper ready to copy. They are mostly driving or in a situation where they can't immediately copy.

---

<sup>34</sup> See Id.

<sup>35</sup> *FNPRM* at 22.

<sup>36</sup> *FNPRM* at 23.

<sup>37</sup> *FNPRM* at 25, 29, 30.

**A. Full-service stations**

19. For full-service stations, the solution is simple. Refer listeners to the station website home page. Full-service FM stations are already required to have a link on their station website home page to the OPIF and if that link was built correctly, it should land right on that specific station's OPIF.<sup>38</sup> It is important to remember that if a broadcast station images their entire hour as just "NINE", the listener may not know the call sign is really WVWA, because perhaps, it is only spoken at a quick rate 3 minutes before the top of the hour.<sup>39</sup> If the station has a website, let's say "nine.com" and the listeners are comfortable with that website, it only makes sense to send the listeners to the station's public file available at "nine.com".<sup>40</sup> If the station does not have their own website, then the more complex instructions to reach the OPIF will need to be broadcast. Since most full-service stations have a website, it would only make sense to make it easier for the listener.

For full-service stations *with their own websites*:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application should view the station's F C C public file by visiting [STATION WEB SITE URL] and clicking on the link to view the public file.

Only if the full-service station *does not have its own website* should the more complex instructions be given:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit [publicfiles.fcc.gov](http://publicfiles.fcc.gov), and search in [STATION CALL SIGN'S] public file.

---

<sup>38</sup> See 47 CFR §73.3526(b)(2)(ii) for commercial stations and 47 CFR §73.3527(b)(2)(iii) for NCE stations.

<sup>39</sup> <https://www.youtube.com/watch?v=hsHYp4k7fFw>

<sup>40</sup> See also Appendix B, Question 2 where we inquire of how frequent LPFM stations give their station website URL over the air.

**B. LPFM stations**

20. For LPFM stations, the Commission's proposed language is even rougher because since LPFM does not use OPIF nor have a home page publication requirement, you have to send them somewhere else and now we also have to teach them when an "LMS" is. However, like with full-service stations, many LPFM stations do have websites for which the listener may be comfortable with.<sup>41</sup> As an alternative to using the LMS URL, LPFM stations should be allowed to direct listeners to their own website where they can provide a link directly to the subject application. They could also be sent to the LPFM Voluntary Public Inspection File (VPIF) system operated by REC. VPIF emulates many functions of the Commission's OPIF but is strictly for LPFM stations.<sup>42</sup> For LPFM stations without their own websites, the station should be able to either use the LMS URL proposed by the Commission or to VPIF. VPIF, like OPIF, will accept a callsign in the URL (ex. [lpfm.ws/KRKD](http://lpfm.ws/KRKD)) to route to the correct station.<sup>43</sup> Since VPIF is controlled by REC, it is also possible to design the system to route to a record based on a station's on-air identity (ex. [lpfm.ws/991theranch](http://lpfm.ws/991theranch)). For LPFM stations, there should be three options available depending on whether they have a website and if not, whether or not they utilize a third-party website such as VPIF or a broadcast public notice site:

LPFM stations with their own website should place a link to their LMS application and use the following announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions can [STATION WEB SITE URL] and click on the link to view the application.

LPFM stations without a website but having a link to their application on a third-party website should use the following announcement:

---

<sup>41</sup> See Id. Of the LPFM respondents with websites, 75% of the stations regularly announce their website URL as opposed to the other 25% where the URL is "rarely announced".

<sup>42</sup> <https://lpfm.ws>. It is REC's position that the Commission should, especially now with this new public notice policy, allow LPFM stations to *voluntarily* access the Commission's OPIF system in order to provide a single standard method of getting to applications as well as allow for LPFM stations wishing to better serve their community to be able to upload documents in a manner similar to full-service stations. We note that LPFM stations are currently permitted to voluntarily file ownership reports despite no requirement. REC is not endorsing adding any requirements that would *mandate* the use of OPIF or ownership reports. However, OPIF should be there for those stations that wish to use it.

<sup>43</sup> While every LPFM station has a "skeleton" record in VPIF which displays much of the information found in OPIF that is available through Commission databases, there are currently 16 LPFM stations voluntarily participating in VPIF which includes the ability to upload documents in a manner similar to OPIF.

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions can visit [WEB SITE URL] to view the application.

LPFM stations that do not have a website or use a third-party website for posting their broadcast applications would default to the Commission's proposed announcement script:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions can visit [www.fcc.gov/searchlms](http://www.fcc.gov/searchlms), and search in the list of [STATION CALL SIGN'S] filed applications.

## VI. OTHER ISSUES

21. *International Broadcast Stations* – REC agrees that there is no real need for International Broadcast Stations to carry over the air public notices. As the Commission has determined that these are considered “station[s] in the broadcasting service” under the terms of the Act, there is a statutory obligation for public notice and such notice should be as minimal as possible.<sup>44</sup> Public notices for these stations should be published at a locally-based website, SBA website or as proposed by REC, a website that is dedicated to the distribution of broadcast public notices.<sup>45</sup>

22. It is our understanding also that a large majority of international broadcast stations have their own websites and therefore it would be convenient for these stations to list their notices there. However, without over the air announcements, there is nothing that would incite a member of the public to visit the station's website and since the stations are not targeting local listeners, there is no effective value of carrying the announcements over the air.<sup>46</sup> As we have previously determined, with the elimination of the newspaper requirement, the scope of the “reader” of the notices has changed from someone who reads the newspaper and “stumbles upon” the legal notice in the classified section to someone, with advanced knowledge of the concept of required broadcast public notices seeking out these notices.<sup>47</sup> Someone who is specifically interested in the application activity of an International Broadcast Station could already go

---

<sup>44</sup> *FNPRM* at ¶ 31.

<sup>45</sup> See ¶¶ 11-15 *supra*.

<sup>46</sup> *NNPRM* at ¶ 33.

<sup>47</sup> See ¶ 10 *supra*.

to IBFS or follow the public notices in the *Daily Digest*. The scope of public notices for International Broadcast Stations should be very narrow as to meet the absolute minimum statutory requirements and with that, a listing in a locally-based website, SBA website or a website dedicated to broadcast public notices should suffice.

23. Application types requiring public notice. – REC agrees with the *FNPRM* that the categories of applicants, broadcast services and application types for which public notice is required should be retained.<sup>48</sup>

24. Public notice certification record retention. – REC agrees that applications (including LPFM) should include a certification on the application that it will comply with public notice requirements.

<sup>49</sup> For renewal applications, records should be retained that indicate the dates and times of the on-air public notice announcements. For the reasons the Commission states, there is no need to include the script of the announcement read over the air. Full-service stations should maintain this statement in OPIF.

25. Section 325(c) applications. – For applicants proposing to deliver programming to foreign broadcast stations under Section 325(c) of the Act, REC agrees that applicants should provide online notice in lieu of newspaper notice as proposed by the Commission.<sup>50</sup> In answer to the Commission’s query, local websites, SBA websites and as proposed by REC, websites that are designed for the purpose of carrying broadcast public notices can be used. Such systems can link to the application in IBFS.

26. Hearing designation orders. – REC feels that it would be appropriate for HDOs to be listed online both at the licensee website as well as at a third-party website such as a local website, SBA website or as proposed by REC, a website dedicated to broadcast public notices.<sup>51</sup> The text of the message should be generic as possible. We disagree with the *FNPRM* to include a “brief description of the issues specified for hearing” as this would give the licensee or applicant the opportunity to “twist” the language in the favor of the licensee or applicant in order to garner public support in the proceeding. Online public notices should refer to the HDO and if possible, any other public documentation on the proceeding. If the public is that interested in the proceeding, then they can further research it.

---

<sup>48</sup> *FNPRM* at ¶ 34.

<sup>49</sup> *FNPRM* at ¶ 35.

<sup>50</sup> *FNPRM* at ¶ 24.

<sup>51</sup> *FNPRM* at ¶ 39.

27. Agreements resolving mutual exclusivity. – REC agrees with the Commission to remove the requirement of public notice in the event of a resolution of mutual exclusivity.<sup>52</sup> The methods used today to resolve NCE mutual exclusivity to a simple point system results a polar shift in how applications have been historically handled. LPFM stations have not been subjected to this regulation and because of the nature of the comparative review policy that has been in place since the creation of the service, would have not been necessary. For NCE, this is an unnecessary requirement in this day and age.

## VII. CONCLUSION

28. There was a time when the newspaper was the “voice” for the community. It was a journal of our daily life and was highly read as part of our daily lives. With the expansion of media choices, first radio, then television and now the internet, the role of the newspaper has declined, and that decline is not necessarily the journalist but instead is the medium. Section 311(a)(1) of the Act was enacted in an era where the “new” media of radio and television was testing the waters. This law was a part of reforms that came following the “payola” and quiz show scandals in an effort to require transparency from broadcast licensees, once considered as public trustees, but even that designation has been highly questionable lately. The proposed regulations modernize Section 311(a)(1) to replace obsolete media with current media. If implemented correctly, it will finally answer the question about the status of LPFM stations in their implementation of Section 311(a)(1).

29. Despite that, we are deeply concerned that the Commission’s proposed implementation may be misguided and does not reflect the reality of the industry, especially with the 20-year war declared by the full-service broadcast lobby against even the concept of LPFM and in some cases, FM translators. The proposal as written in the *FNPRM* includes options for publicly accessible websites that are unconstitutional, unattainable, nonexistent and in many cases, will still result in a serious barrier to entry, especially for new entrant small NCE and LPFM applicants in future filing windows.

30. In the big picture, Section 311(a)(1) is an archaic law, a product of the atomic age. While this law should be repealed in this modern age, we can’t do that at the Commission level. Congress has given the Commission latitude on the “form and content” as well as the “manner and frequency” in which the notices should be given.<sup>53</sup> In reality, members of the general public are not really deep diving into newspapers looking for broadcast public notices, nor will they sink down several links on a newspaper

---

<sup>52</sup> *FNPRM* at ¶ 40.

<sup>53</sup> 47 USC §311(a)(2).



operated website to find these listings. If someone seriously wants to find out about filings, they may go to the public notices in the Commission's *Daily Digest* or they will go to third party websites such as REC's **fcc.today**. REC feels that the best method of delivering public notices in a manner that would be in accordance to the Act is to allow independent third parties to operate websites for the sole purpose of running broadcast public notices. In accordance with the Act, the request to be added to the site must be initiated by the applicant.<sup>54</sup> It's also very important to realize that a public notice can be as simple as posting a written notice on a pole or in the window of a building that is visible from the street. Perhaps we need to look at something even less complex like that. The Commission is making this much more complex than it should be. Perhaps we need to also consider a "bare minimum" solution.

31. Public notices over the air must be minimal and should be consumer friendly. Compared to the current renewal process, the proposed process is more minimal from a frequency standpoint but is still very complex from a listener's perspective. The proposed messages require multiple actions by listeners and are much more complex than they should be, especially since all full-service stations are required to have a link to OPIF on their home page. Instead of forcing listeners to comprehend complex instructions to excavate through the bowels of government websites, send the listener to a site they are more comfortable with and then let the HTML code handle all of the complexities. For the listener, it should be "click.. click... there".

32. Whatever rules are put in place, it must be made clear that they apply to LPFM. This can be done by assuring that §73.801 is amended to include the rule. Whatever rules are put in place, they must not dissuade new entrants, be easy for stations to implement but most importantly, they must be minimally impactful to a listening public that really does not care about these announcements and those who do, already know where to find the information. The current public notice rule is a mountain; this *FNPRM* proposes to make it a mole hill; but it should just be a tiny mound with the bare minimum legal requirement, a public notice, a simple notice on a wall. It works for liquor stores, it can also work for broadcasting. While we have addressed the specific issues raised, we feel the Commission can do much better than this.

Respectfully submitted,

/S/

Michelle Bradley

REC Networks

11541 Riverton Wharf Rd

Mardela Springs, MD 21837

<https://recnet.com>

November 17, 2019

---

<sup>54</sup> 47 USC §311(a) ("...the *applicant* shall give notice of such filing...", *emphasis added*).

**APPENDIX A****REC COUNTERPROPOSED RULE CHANGES**

Text proposed added to proposed rule indicated by underline.  
 Text proposed deleted from proposed rule indicated by ~~strikeout~~.

**Part 73 of Chapter 1 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:**

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

2. Revise Section 73.801 to insert as follows:

**§73.801 Broadcast regulations applicable to LPFM stations.**

\* \* \* \* \*

Section 73.3580 Local Public Notice of Filing of Broadcast Applications

\* \* \* \* \*

3. Revise Section 73.3525 by deleting paragraph (b) and re-designating paragraphs (c) through (l) as paragraphs (b) through (k). *[As originally proposed in FNPRM.]*
4. Revise Section 73.3526 as originally proposed in FNPRM.
5. Revise Section 73.3527 as originally proposed in FNPRM.
6. Revise Section 73.3580 to read as follows:

**§73.3580 Local Public Notice of Filing of Broadcast Applications.**

(a) *Definitions.* The following definitions shall apply to this section:

1. *Acceptance public notice:* A Commission public notice announcing that an application has been accepted for filing.
2. *Applicant-affiliated website:* Any of the following Internet websites, to the extent they are maintained, in order of priority:
  - i. the applicant station's Internet website;
  - ii. the applicant's Internet website; or
  - iii. the applicant's parent entity's Internet website.

An applicant maintaining or having access to more than one of the above-listed Internet websites shall post online notice on the website with the highest priority.

3. *Locally originating programming:* A low power television (LPTV) or television translator station broadcasting programming as defined in section 74.701(h).
4. *Major amendment:* A major amendment to an application is that defined in sections

73.3571(b), 73.3572(c), 73.3573(b), 73.3578, and 74.787(b).

5. *Publicly accessible website:* An Internet website (a) that is accessible to members of the public without registration or payment requirements, or any other requirement that the user provide information other than what is necessary to determine the location of the user, or response to a survey or questionnaire in exchange for being able to access information on the website, and (b) that is locally targeted to the area served and/or to be served by the applicant station (e.g., ~~local government Internet website~~, local community ~~bulletin board~~ Internet website, state broadcasters' association Internet website), website operated for the purpose of publishing such public notices, regardless of the location of the website). For international broadcast stations application filed pursuant to section 73.3574, the Internet website must locally target the community in which the International broadcast station is proposed to be located (e.g., ~~local government Internet website~~, local community ~~bulletin board~~ Internet website), state broadcasters' association internet website, website operated for the purpose of publishing such public notices, regardless of the location of the website).

(b) *Types of Public Notice.* Public notice is required of applicants for certain broadcast authorizations in the manner set forth below:

1. *On-Air Announcement:* An applicant shall broadcast on-air announcements of the filing of certain applications for authorization, if required as set forth in paragraph (c) of this section, over its station as follows:

- i. Content: The on-air announcement shall be in the following form:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application ~~can visit publicfiles.fcc.gov, and search in [STATION CALL SIGN'S] public file.~~ should view the station's F C C public file by visiting [STATION WEB SITE URL] and clicking on the link to view the public file.

An applicant station without a website but does have a public inspection file shall instead broadcast the following on-air announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions on the application can visit publicfiles.fcc.gov, and search in [STATION CALL SIGN'S] public file.

An applicant station with a website but without an online public inspection file shall instead broadcast the following on-air announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions

can visit [www.fcc.gov/searchlms](http://www.fcc.gov/searchlms), and search in the list of [STATION CALL SIGN'S] filed applications. [STATION WEB SITE URL] and click on the link to view the application.

An applicant station without an online public inspection file that does not have its own website but has the information posted on a third-party website shall instead broadcast the following on-air announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions can visit [WEB SITE URL] to view the application.

An applicant station without an online public inspection file that does not have its own website nor has the information posted on a third-party website shall instead broadcast the following on-air announcement:

On [DATE], [APPLICANT NAME], licensee of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application or obtain information about how to file comments and petitions can visit [www.fcc.gov/searchlms](http://www.fcc.gov/searchlms), and search in the list of [STATION CALL SIGN'S] filed applications.

Television broadcast stations, in presenting on-air announcements, must use visuals with the full text of the on-air announcement when this information is being orally presented by the announcer.

- ii. Frequency of broadcast: The applicant shall broadcast the on-air announcements once per week (Monday through Friday) for four consecutive weeks, for a total of four (4) broadcasts.
- iii. Commencement of broadcast: The applicant shall air the first broadcast of the on-air announcement no earlier than the date of release of the acceptance public notice for the application, and no later than the fifth day following release of the acceptance public notice for the application.
- iv. Time of broadcast: The applicant shall broadcast all on-air announcements between the hours of 7:00 a.m. and 11:00 p.m. local time at the applicant station's community of license, Monday through Friday.
- v. Language of broadcast: A station broadcasting primarily in a foreign language should broadcast the announcements in that language.
- vi. Silent stations or stations not broadcasting: Any station required to broadcast on-air announcements that is not broadcasting during all or a portion of the period during which on-air announcements are required to be broadcast, including silent stations and noncommercial educational broadcast stations that are not scheduled to broadcast during the portion of the year during which on-air announcements are required to be broadcast, must comply with the provisions of paragraph (b)(2) of this section during the time period in which it is unable to broadcast required on-air announcements, and must broadcast required on-air announcements during

the time period it is able to do so.

2. *Online Notice:* An applicant shall conspicuously post on an Internet website notice of the filing of certain applications for authorization, if required as set forth in paragraph (c) of this section, as follows:

- i. Content: The online notice shall be in the following form:

On [DATE], [APPLICANT NAME], [PERMITTEE / LICENSEE] of [STATION CALL SIGN], [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application can visit [INSERT HYPERLINK TO APPLICATION LINK IN APPLICANT'S ONLINE PUBLIC INSPECTION FILE (OPIF) OR, IF THE STATION HAS NO OPIF, TO APPLICATION LOCATION IN THE MEDIA BUREAU'S LICENSING AND MANAGEMENT SYSTEM].

An applicant for a proposed but not authorized station shall post the following online notice:

On [DATE], [APPLICANT NAME], applicant for [A NEW (STATION TYPE) STATION ON] [STATION FREQUENCY], [STATION COMMUNITY OF LICENSE], filed an application with the Federal Communications Commission for [TYPE OF APPLICATION]. Members of the public wishing to view this application can visit [INSERT HYPERLINK TO APPLICATION LOCATION IN THE MEDIA BUREAU'S LICENSING AND MANAGEMENT SYSTEM].

An applicant for an authorization under section 325(c) of the Communications Act (Studio Delivering Programs to a Foreign Station) shall post the following online notice:

On [DATE], [APPLICANT NAME] filed an application with the Federal Communications Commission for a permit to deliver programs to foreign station [FOREIGN STATION CALL SIGN], [FOREIGN STATION FREQUENCY], [FOREIGN STATION COMMUNITY OF LICENSE]. Members of the public wishing to view this application can visit [INSERT HYPERLINK TO APPLICATION LOCATION IN THE INTERNATIONAL BUREAU'S MYIBFS DATABASE].

- ii. Site: The applicant shall post online notice on an applicant-affiliated website, as defined in paragraph (a)(2) of this section. If the applicant does not maintain or have access to an applicant-affiliated website, the applicant may post the online notice on a publicly accessible website, as defined in paragraph (a)(5) of this section. An applicant for an authorization under section 325(c) of the Communications Act (Studio Delivering Programs to a Foreign Station) shall post online notice on a publicly accessible website that is locally targeted to the principal area to be served in the United States by the foreign broadcast station.
    - iii. Duration of posting: If the online notice is posted on an applicant-affiliated website or on a publicly accessible website for which the applicant is not required to compensate the website owner in exchange for posting the online notice, then the applicant must post the online notice for a minimum of 30 consecutive days. If the applicant does not maintain an applicant-affiliated website, and the applicant is required to compensate a website owner in exchange for posting on a publicly accessible website, the applicant must post the online

notice for a period of not less than 24 consecutive hours, once per week (Monday through Friday), for four consecutive weeks.

- iv. Commencement of posting: The applicant must post the online notice no earlier than the date of release of the acceptance public notice for the application, and not later than five days following release of the acceptance public notice for the application.

(c) *Applications Requiring Local Public Notice.* The following applications filed by licensees or permittees of the following types of stations must provide public notice in the manner set forth below:

1. *Applications for a new construction permit authorization or major amendments thereto:*
  - i. For a commercial or noncommercial educational full power television; full-service AM or FM radio station; Class A television station; low power television (LPTV) or television translator station; low-power FM (LPFM) station; or commercial or noncommercial FM translator or FM booster station, the applicant shall give online notice only.
  - ii. For an international broadcast station, the applicant shall give online notice in a publicly accessible website, locally targeted to the community in which the station is to be located.
2. *Applications for a major modification to a construction permit or license, or major amendments thereto:*
  - i. For a noncommercial educational full power television; noncommercial full-service AM or FM radio station; or for an LPFM station, the applicant shall broadcast on-air announcements only.
  - ii. For a commercial full power television; commercial full-service AM or FM radio station; or a Class A television station, the applicant shall both broadcast on-air announcements and give online notice.
  - iii. For an LPTV or television translator station; or an FM translator or FM booster station, the applicant shall give online notice only.
  - iv. For an international broadcast station, the applicant shall give online notice only.
3. *Applications for renewal of license:*
  - i. For a full power television; full-service AM or FM radio station; Class A television station; LPTV station locally originating programming; or LPFM station, the applicant shall broadcast on-air announcements only.
  - ii. For an LPTV station that does not locally originate programming; or for a TV or FM translator station, the applicant shall give online notice only.
  - iii. For an international broadcast station, the applicant shall give online notice only.
4. *Applications for assignment or transfer of control of a construction permit or license, or major amendments thereto:*
  - i. For a noncommercial educational full power television; noncommercial full-service AM or FM radio station; or an LPFM station, the applicant shall broadcast on-air announcements only.
  - ii. For a commercial full power television; commercial full-service AM or FM radio station; Class A television station; or an LPTV station that locally originates programming, the applicant shall both broadcast on-air announcements and give

- online notice.
- iii. For an LPTV station that does not locally originate programming or a TV translator station, the applicant shall give online notice only.
- iv. For an international broadcast station, the applicant shall give online notice only.
- 5. *Applications for a minor modification to change a station's community of license, or major amendments thereto:*
  - i. For a noncommercial educational full-service AM or FM radio station, the applicant shall broadcast on-air announcements only.
  - ii. For a commercial full-service AM or FM radio station, the applicant shall both broadcast on-air announcements and give online notice. In addition to the online notice set forth in paragraph (b)(2) of this section locally targeted to the applicant station's current community of license, the applicant shall also give online notice on a publicly accessible website locally targeted to the community that the applicant proposes to designate as its new community of license, for the same time periods and in the same manner as set forth in paragraph (b)(2) of this section.
- 6. *Applications for a permit pursuant to section 325(c) of the Communications Act (Studio Delivering Programming to a Foreign Station):* The applicant shall give online notice only.
- (d) *Applications For Which Local Public Notice Is Not Required.* The following types of applications are not subject to the local public notice provisions of this section:
  - 1. A minor change in the facilities of an authorized station, as indicated in sections 73.3571, 73.3572, 73.3573, 73.3574, and 74.787(b), except a minor change to designate a different community of license for an AM or FM radio broadcast station, pursuant to the provisions of sections 73.3571(j) and 73.3573(g).
  - 2. Consent to an involuntary assignment or transfer or to a voluntary assignment or transfer which does not result in a change of control and which may be applied for on FCC Form 316, or any successor form released in the future, pursuant to the provisions of §73.3540(b).
  - 3. A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license.
  - 4. Extension of time to complete construction of authorized facilities.
  - 5. An authorization of facilities for remote pickup or studio links for use in the operation of a broadcast station.
  - 6. Authorization pursuant to section 325(c) of the Communications Act (Studio Delivering Programs to a Foreign Station) where the programs to be transmitted are special events not of a continuing nature.
  - 7. An authorization under any of the proviso clauses of section 308(a) of the Communications Act concerning applications for and conditions in licenses.
- (e) *Certification of Local Public Notice.*
  - 1. The applicant must certify in the appropriate application that it will comply with the public notice requirements set forth in paragraph (c) of this section.

2. An applicant for renewal of a license that is required to maintain an online public inspection file shall, within seven (7) days of the last day of broadcast of the required on-air announcements, place in its online public inspection file a statement certifying compliance with section 73.3580, along with the dates and times that the on-air announcements were broadcast. An applicant for renewal of a license that is required to maintain an online public inspection file, and that is not broadcasting during all or a portion of the period during which on-air announcements are required to be broadcast, as set forth in paragraph (b)(1)(v) of this section, shall, within seven (7) days of the last on-air announcement or last day of posting online notice, whichever occurs last, place in its online public inspection file a statement certifying compliance with section 73.3580, along with the dates and times that any on-air announcements were broadcast, along with the dates and times that online notice was posted and the Universal Resource Locator (URL) of the Internet website on which online notice was posted. This certification need not be filed with the Commission but shall be retained in the online public inspection file for as long as the application to which it refers.
- (f) *Time for Acting on Applications.* Applications (as originally filed or amended) will be acted upon by the FCC no sooner than 30 days following release of the acceptance public notice, except as otherwise permitted in §73.3542, “Application for emergency authorization,” or in § 73.1635, “Special temporary authorizations (STA).”



**APPENDIX B****REC CONSTITUENT SURVEY**

On November 9, 2019, REC Networks notified LPFM constituents through social media channels of a 7-question survey that REC is conducting to get additional insights in association with this proceeding. This survey was moderated by SurveyMonkey and was open until end of day on November 16, 2019. This survey is not scientifically accurate and may have included answers from those who are not LPFM stakeholders.

53 responses have been received. Not all respondents answered all questions.

1. DOES YOUR STATION CURRENT HAVE A WEB SITE?

Yes.	88.68%	47
No website. We are only on social media (Facebook, Twitter, etc.)	9.43%	5
No website and social media presence.	1.89%	1

*This question was intended to get a feel for how many LPFM stations operate their own websites that could potentially link to a place where future eligible applications would be displayed.*

2. HOW OFTEN IS THE WEBSITE URL ANNOUNCED OVER THE AIR DURING THE MAIN PART OF THE BROADCAST DAY (6AM TO 9PM)?

More than once per hour	22.64%	12
Once per hour	16.98%	9
Less than 7 times per day	26.42%	14
It is rarely announced	24.53%	13
No website or did not answer	9.43%	5

*This question is to test how comfortable a listener may be to recall and use an LPFM station's URL, how the listener associates the station with the URL and vice versa.*

3. DOES THE WEBSITE USE A CONTENT MANAGEMENT SOFTWARE PACKAGE (WORDPRESS, DRUPAL OR JOOMLA) OR A HOSTED TEMPLATE-BASED SOLUTION (LIKE WIX, WEEBLY, ETC.)?

Content management solution (such as Wordpress, Drupal, etc.)	35.85%	19
Template-based website (Wix, Weebly, etc.)	32.08%	17
We did our own coding	20.75%	11
No website or did not answer	11.32%	6

*This question determines both the skill sets of those maintaining station websites as well as the software they are using. This will be essential to determine how easy or difficult it will be to add links to applications, VPIF, etc. from their website home page.*

4. HOW COMFORTABLE ARE YOU, YOUR STAFF OR VOLUNTEERS WHERE IT COMES TO MAKING CHANGES OTHER THAN POSTING ARTICLES, SUCH AS POSTING LINKS?

No problem, this is easy for us.	63.46%	33
We may still have someone who can do that.	17.31%	9
Our person who did the website is no longer with us.	11.54%	6
No website or did not answer.	7.69%	4

*This question expands on the skill set of those operating the station to determine if it will be possible for LPFM station operators to add links to their website when appropriate in accordance with the rules proposed in this proceeding.*

5. ARE YOU FAMILIAR WITH THE LPFM VOLUNTARY PUBLIC INSPECTION FILE (VPIF) WEBSITE (<https://lpfm.ws>) AND HAVE YOU CONSIDERED USING IT?

Our station is currently participating in VPIF.	9.43%	5
I have heard of VPIF and are considering using it.	30.19%	16
I have heard of VPIF but have not considered using it.	22.64%	12
I have never heard of VPIF.	37.74%	20

*VPIF is a system designed and operated by REC Networks for the LPFM community. VPIF emulates many of the functions that are in the Commission's Online Public Inspection File (OPIF) system for full-service broadcast stations. This system was constructed for those who wish to participate more in their community, be transparent and accountable to their community and those who wish to educate their students and/or volunteer on "big station" operation. VPIF was intended to be a temporary solution since the FCC refuses to allow LPFM stations to voluntarily use the OPIF platform.*

6. HAS YOUR STATION ATTEMPTED TO JOIN YOUR STATE'S BROADCASTERS' ASSOCIATION?

Yes, we are currently members.	9.43%	5
Yes, we were accepted but are no longer members at our own decision.	9.43%	5
Yes, we were originally accepted but then were kicked out.	0	0
Yes, we were told we could join but we decided not to (cost of membership dues, etc.)	15.09%	8
Yes, we inquired about joining but we were told that because we were an LPFM station, we could not join.	1.89%	1
No, we have not inquired.	64.15%	34

*This question is intended to determine the current status of LPFM's relationship with state broadcasters' associations and whether any LPFM stations have experienced outright discrimination. We ask this because the FCC is considering allowing public notices to be carried on the websites of state broadcasters' associations.*

7. DOES YOUR COMMUNITY HAVE WHAT THE FCC CALLS A “LOCAL COMMUNITY BULLETIN BOARD” WEBSITE? IF SO, WHO RUNS IT?

Yes, local government	11.54%	6
Yes, local chamber of commerce	5.77%	3
Yes, local newspaper	3.85%	2
Yes, local radio or television media	1.92%	1
Yes, a private company that is none of the above	5.77%	3
No.	71.15%	37

*In the NPRM, the FCC indicates that a “local community bulletin board” website could be used for public notices. This question was to inquire about the existence of such sites in the local communities and if they do exist, do they potentially conflict in definition with the other website types the FCC is proposing for public notice postings.*